

1887-037 Chancery Causes: Gdn. of John H. Cumbo to by vs. John H. Cumbo to
Lee Co.

Muncy, McDonald, Kincaid, Woodyard, Quinley, Ledford

-Deed

CA-Estate Dispute
T-Property

To the Hon. John A. Kelly Judge of the Circuit
Court of Lee County, Virginia:

Humbly complaining your Orator Francis A.
Muney guardian for John H. and Wm. M. Burns, aged
respectively 16 and 14 years, children and heirs at law of
Elizabeth Burns dead, would respectfully show unto
your honor that on the 22nd day of January 1884
he was appointed by the county court of Lee County
guardian for said John H. and Wm. M. Burns, and he
thereupon gave bond with approved security in the
penalty of \$2000.00 Your Orator now states that by
deed dated the 12th day of Dec. 1879, and herewith
filed as a part of this bill marked (A.) one William M.
Donald the grand father of said John H. & Wm. M. Burns,
conveyed to them about 58 acres of land situated in Lee
County about 12 miles west of the court house, and is
a part of the farm on which said McDonald now lives.
The said Wm. McDonald however in said deed, reserved to
himself during his life, the possession use and control
of the land so conveyed by him to your Orators two wards
so that their interest therein is a vested remainder.

Your Orator further states that the grantor in said deed further provides that if either of the grantors therein should die before attaining the age of 21 years, then that the survivor should take the whole, and that if both of them should die before attaining that age, then that said tract of land should fall back and be owned by the heirs of said William McDonald in equal proportions. Your Orator states that the heirs of Wm. McDonald who would take and be entitled to said land, upon the happening of the event last referred to, are George W. McDonald, Sarah McDonald, and Jane Burns, the present wife of Thomas L. Burns, who are the children of said Wm. McDonald. Your Orator states that said George W. McDonald is now a citizen of the State of Kansas. That Thomas L. Burns the father of your Orator two wards, has recently sold out his entire possessions in this county, and intends in a short time to emigrate to some one of the western States with the view to better his condition in life, and it is his purpose to carry with him your Orator two wards - his children. The said Sarah McDonald has likewise sold out and is going to move west. And the said William McDonald has likewise sold his life estate on said 58 acres of land, the fee simple of which is vested in your Orator's wards, to one Charles Kincaid, and he has also contracted to said Kincaid all

the right and title of your Orator two wards therein, for the sum of \$900.00 with interest therein from Nov 10 1883. upon condition that a court of equity will ratify and approve of such sale, and will take upon its self the duty of passing the title of said infants to said Kincaid.

Your Orator further states that said William McDonald intends in a very short while to move west, along with his daughter Sarah, and said Burns wife, and that when they shall have located themselves in their new home, that said Wm. McDonald intends there, to become the guardian of said John H. & Wm. M. Burns, and then to have the proceeds of the sale of said land transferred from Lee County to the place of their new home, as provided by statute: and there invested in the same manner as here.

Your Orator now states that the interest of his said two wards will be promoted by a ratification & approval of the said sale made by said Wm. McDonald, to said Charles Kincaid of their interest in said 58 acre tract of land, at the price of \$900.00 which includes the life estate therein.

But if your Orator should be mistaken in this then he alleges that the interest of his said wards will be promoted by a sale of their remainder or interest outright and to attain that end by one or the other of these methods is the object of this bill.

The premises considered Your Orator prays that John H. Cumbo, Wm. M. Cumbo, Charles Kincaid, Thomas L. Cumbo, Jane Cumbo his wife, George W. M. Donald, Sarah M. Donald and Wm. M. Donald be made defendants to this bill and be required to answer the same fully on oath, that order of publication be entered posted and published against G. W. M. Donald, that a guardian ad litem be appointed for said John H. & Wm. M. Cumbo to defend their interest in this cause. And upon a final hearing of the cause a decree be entered ratifying and confirming said sale, or if deemed more advisable that the interest of said wards in said land be deemed to be sold. And if your Orator is in any wise mistaken in this his Special prayer then he prays for all general relief May the Commission of the Court of Spec. issue directed &c.

Henry J. Morgan for Plff

I do swear that the statements contained in the foregoing bill so far as made on my own knowledge are true and so far as made on information derived from others I believe them to be true so help me God.

J. A. Murrey

Sworn to before me Feb 2 1884

H. J. Morgan Comr.

6. 7.70 to Mr. 1880
G.A.L. 5.00
64 20.00
\$32.70 to Mr. 1885

Francis A. Minney Guard

vs. } Bill

John H. & Wm. Lunde &c

1884. Feby Bill filed

" " ans. G.A.L. filed

" " Four answers & depts. filed

" Mr. Cause set for hearing.

" Mr. Term Decree & count'd

" Aug. Decree & count'd

1885 Mr. Decree & count'd

1887 Mr. Decree

Final

To the Hon. John A. Kelly Judge of the Circuit
Court of Lee County Virginia:

Your Petitioner William M. Donald
now a citizen of Marshall County State of Kansas
would respectfully show unto your Honor, that on
the 27th day of Sept. 1884 he was appointed by the
court of probate for the said county of Marshall State
of Kansas. Guardian for John H. & Mr. Burns, Minors
of Elizabeth Burns and and citizens and residents of
the county and state last named:

Your petitioner states that at the time of his said
appointment as guardian aforesaid he executed bond
according to law in the penalty of \$2000.00 with Thos
L. Burns, Arand Burns, and J. W. Burns as sureties

Your petitioner states that said T. L. Burns, and
Arand Burns, are each worth one thousand dollars
over and above legal exemptions as shown by their sworn
statements. ^{so that your petitioner's sureties are} ~~ample~~ for the penalty of his bond.
All of which will fully appear by reference
to a transcript from the records of the said probate court
of the said county of Marshall and other documents
accompanying the same herewith filed as a part of
this petition marked (A B)

Your petitioner ~~states~~ states that there is now
pending in your Honor's Court, a chancery suit brought
by Francis A. Munnay as guardian for said John H. and
Mr. M. Burns in Lee County Virginia and the bonds of his
wards were sold for the sum of \$900. ^{in that suit} with interest from
Nov. the 10 1883. till paid, of which \$500.00 with accruing

interest will become payable Jan'y 1-1885. \$200.00 Jan'y 1/86
and \$200.00 Jan'y 1-1887. all of which will come into the
hands of said Murrey as the guardian of said John H. & W. M.
Bumby in Lee County Virginia at the times stated above
But the costs of said suit, and of this petition are to
be paid out of said fund: and the residue belongs
to your Petitioners wards subject to his life estate therein.

Petitioner further states that he has recently bought
real estate for his said wards in Marshall County Kansas
and he desires to have the money due ~~it~~ to become
them transferred from the hands of said Murrey the
former guardian to the hands of Petitioner their foreign
guardian so as to enable him to pay for their land
so purchased and Petitioner is advised that it is
competent for a court of equity to order such transfer
and to attain that end is the object of this petition

Petitioner therefore prays that he be made a party
to the cause herein referred to. that the Poff therein be tried
and considered as a defendant hereto, that said original
cause be further heard along with this petition &
upon such further hearing a decree and order be entered
therein directing said Murrey to pay over and deliver
to your petitioner said fund as it falls due after
deducting legal costs and charges. And as in duty
bound your petitioner will ever pray &c.

Wm. McDonald Foreign Recd.

for John H. & W. M. Bumby

By H. J. Morgan Counsel

Wm M. Donald, Jr. Guardian

vs. } Petition to Remove Estate

F. A. Munn, Home Guardian

Filed.

1884

J. Abbott & Co

To The Hon Jm A Kelly Judge of
The Circuit Court of DuLo 8th

The Joint Answer of Jm H, and Wm
McLennan Infants heirs to a bill filed
against them and others
in the Circuit Court of Du County by
Francis A. Murray their Guardian,
by Jm M Morgan their
Guardian ad Litem.

This Respondent says that his word
are young and of tender years and
as such are ^{peculiar objects of the guardian} the ~~care~~ of Courts of
Equity, and this interest in said
cause is committed by This Respo-
ndent to your honors care and
protection. Respondent however says
Real Estate is the most sure investment
that could be made in this country of
the Estate of Infants, and he therefore
thinks that the Plff should show clear-
ly that the interests of said words
would be promoted by the sale of said
lands or ratification of the contract

referred to, before the Court would
sanction or approve of the same,
And in this case Respondent is
not prepared to say the intent
of his said words would be promoted
if the prayer of the Plff should
be granted.

This Respondent is informed that
the intent of his words in the 58
conveyance of land in the bill men-
tioned was a free and voluntary
gift by Wm ~~Mc~~ McDonald Thier
Grand Father to them and that
he having contracted and sold the
same it is his purpose if said
Dile shall be satisfied and he entrusted
with the proceeds thereof to see that
the same is properly and judiciously
reinvested in Real Estate in the
west for the benefit of Respondents
wards, and should he do this

The Charge would doubtless
result beneficially to Respondents
wants. Having now answered
as fully as deemed necessary
for said want, Respond says
that his said words be hence dismissed.
Jno M Morgan

Juv In Murga
Guardian ad Litem for
Juv H. & W. M. C. in how

Thos L Lumbon
v.s. 2 Ans G.A. J
Jno H. Lumbon et al

Filed at Febry Rules 1884.
J. A. Hyatt
Clerk

To the Hon John A Kelly Judge of the Circuit
Court of Lee County Virginia.

The Separate Answer of Mr McDonald to
a bill filed in this Honorable court against him
and others by Francis A. Murrey Guardian for
John H. & Mrs. M. Cumbo.

Respondent says it is true that he has sold
his life estate in the 58 acre tract of land in the Potts
bill mentioned to Charles Kincaid, and it is also
true that looking to the interests of John H. & Mrs. M. Cumbo.
he contracted as far as he could do so, to sell to said
Kincaid said two childrens interest in said land
upon the conditions stated in the plaintiffs bill
and for these interests said Kincaid is to pay \$900.00
with interest from the time stated by the plaintiff

Respondent says that the interest in said land
now vested in said two children, was conveyed to
them by respondent, and was a gift to them, free
and voluntary on his part. and he does not now,
nor has he ever regretted having made them that gift
and the only object he has had in view in making
said sale was to try to better their condition, by
investing the proceeds of that sale in real estate in

the west in the same manner as the ^{same} is now west
and with this view he is making preparations to
move west in a short while, and so soon as he
shall locate himself in his new home, it is his
purpose there to become the guardian of said John
St. & Wm. M. Burns, and have the proceeds of said sale
then transferred to him, and there invested as
here, for his and their benefit jointly.

Respondent having now answered as fully as
deemed material, prays to be hence dismissed.

Wm. F. McDonald

Subscribed & sworn to by.

Wm. McDonald Jan 1 day of Feb 1884 W.R. Wood J.P.

William McDonald

ads. } Answer

Francis A. Muncy, Guard

Filed Febry Rules 1884.

J. A. Hyatt
Clerk

To the Hon. John A. Kelly Judge of the Circuit
Court of Lee County Virginia:

The joint answer of John H. & William M.
Cumbo. to a bill filed in this Honorable Court
against them and others, by Francis A. Mamey
their guardian. The respondent John H. Cumbo
says he is about 16 years old, and respondent
Wm. M. Cumbo says he is now about 14 years old,
and they say that they are the only children and
heirs at law of Elizabeth Cumbo deceased.

Respondents further say that the 58 acre tract
of land referred by the plaintiff in his bill was con-
veyed to them by their grand father - Wm. McDonald
and that the same was a free and voluntary gift
on his part as these respondents have all the time
been informed and believe, but they say at the
same time that they suppose if said McDonald
had died intestate at the time of his said conveyance
they could probably ^{have} inherited an equal quantity
through their deceased mother.

Respondents further say that as their grand
father voluntarily gave them said land they are
not only willing, but are anxious that the sale

Made by him to Charles Kincaid be ratified and
approved and that the proceeds thereof be placed
in his hands to disposed of as he pleases, feeling
as they do well satisfied that their interest will
be guarded and protected by him.

It is true their father, Step Mother, Grand father
and Aunt will move west in a very short time from
the writing and signing this answer, and respondents
of course will accompany them. And it is their
desire that any interest in property they may be
entitled to here, may be placed in a condition to
be transferred their new home in the west.

But respondents admit that they are quite young
and incompetent to form a solid judgment as to
such matters, all they can do is, to express their
wish touching the subject, and leave the matter
to be dealt with by your Honor - the General guardian
of all minors such as ^{we} which we now do.

John H. Cumber
William M Cumber

Seen to before me & subscribed by John H. & W. M. Cumber.
This the 1 day of Feb 1884

W. R. Moore Jc.

John H. & Wm. M. Cumbs,

ads. } Answer

Francis A. Munnay this Grant

1884 Febry Rules Ans filed

J. A. Hyatt
clk

To the Hon. John A. Kelly Judge of the Circuit Court
of Lee County Virginia:

The joint Answer of, Thomas L. Kirby and
~~James Greenleaf~~^{Jeff} Sarah McDonald, + George W. McDonald
to a bill exhibited in this Honorable Court against them
and others by Francis A. Minney's guardian
for John H. and Wm M. Cumbo.

These respondents say it is true as alleged in the
plaintiffs bill, that all the interest which the said
John H. and Wm M. Cumbo have in the 58 acre tract
of land which is the subject of this suit, was acquired
by them, by virtue of the deed of Wm McDonald to
them filed as an exhibit by the plaintiff with his bill,

These respondents say it is also true as they suppose
that according to the true intent of the grantor in said
deed that if both of the grantees therein should die
before attaining 21 years of age, that the said tract
of land, would, descend and pass to these respondents.

But these respondents nevertheless say that they
have no objection whatever to urge against the
confirmation of the sale made by Wm McDonald to
said Charles Kincaid or to a sale of said land
whichever your Honor may deem most advisable.

but on the contrary they join in the plaintiffs
prayer to attain that end, and respondents
having now answered as fully as deemed material
prayer to be hence dismissed

G. W. McDonald

S. A. McDonald

M. J. Lumbow.

T. L. Lumbow

George W. McDonald et al

vs { Joint Answer

Francis A. Wiley, Guardian

Filed at Albany, N.Y. 1884.

J. A. Wyeth
clerk

To the Hon. John A. Kelly Judge of the Circuit
Court of Lee County Virginia:

The Separate Answer of Charles Kincaid
to a bill filed in this honorable court against him
and others, by Francis H. Murray, guardian for John H.
and William M. Burns.

This respondent says that it is true that
he purchased of William McDonald his life estate
in the 58 acre tract of land in the plaintiffs bill
mentioned and it is also true that he contracted
with said McDonald for the fee simple of said land
which is vested in said John H. and W. M. Burns, upon
the conditions stated in the plaintiffs bill, and for
these interests so purchased he is to pay the sum of
\$900.00 on the 10th day of Nov. 1883. or if not then paid
he is to pay interest thereon from that time till paid.

Respondent further says that the price so agreed
to be paid by him is a full and fair price for said
land and he is willing to take the same at that
price, but not at a higher figure.

And having now answered as fully as deemed
material prays to be hence dismissed.

C. H. Kincaid

Charles Kincaid

ad. } Answer

Francis A. Muniz Guard +

Filed at Leby Rules 1884.

J. A. Hyatt
cek

F. A. Muney Guard &c.	Plff.	} In lhy.
^{vs.}		
J. H. & W. M. Gumbrow &c.	Defts.	} on a Petition
Wm. M. Donald Guard &c.	Plff.	
^{vs.}		
Francis A. Muney Guard &c.	Defts.	

These causes came on to be finally heard on the papers heretofore read in therein and the facts as set forth in the causes, Feb. 1st 1887. and was argued by counsel. On consideration of all which it is adjudged ordered and decreed that said report be and the same is hereby confirmed and the purchase money for the land sold in the first cause having been fully paid, and the title thereto made to the purchaser, and the purchase money having been fully paid by F. A. Muney the guardian for J. H. & W. M. Gumbrow in San County Co. to Wm. M. Donald their guardian in Kansas so that there is nothing further to be done in these causes. each of said causes are stricken from the docket.

F. A. Muncy Guard.

as } Dear No. 6 find

J. H. & H. B. Bunsen
Entered page 3

Entered this
29 March 1887.

H. S. K. M.

Francis A. Munney Guard vs. Peff }
 vs. } In Chy.
 John H. & Wm M. Cumbol Defts }
 Wm. McDonald Guard vs. Peff }
 vs. } On A. Petition
 Francis A. Munney Guard vs. Defts }

It is ordered that these two causes be heard together & thereupon they came on to be heard this day on the papers heretofore read in the first cause and the petition of the Peff and exhibits thereunto in the second cause, and were argued by counsel, and it appearing to the court that there will be due the plaintiff in the first cause from Wm. McDonald Jan 1-1885 \$500.00 with Int from Nov. 10 1883 \$200. Jan 1-1886 with int from same time and \$200- Jan 1-1887 with interest from same time; and that said sums after the payment of proper charges and the costs of these suits belong to John H. & Wm. M. Cumbol. And that the plaintiff in the second case has given bond with ample surety in the County of Marshall State of Kansas as the foreign guardian of John H. & Wm. M. Cumbol. And that the notice required by law has been made and published in the second case. On consideration of all which it is adjudged ordered & decreed that the Peff in the first case as the Home guardian of the said John H. & Wm. M. Cumbol ^{pay over transmit and deliver} said several sums as they fall due to the Peff in the second case as the foreign guardian of said infants after paying the costs of these suits & other legal charges. And the plaintiff in the first cause will report from time to time his action under this decree & the causes are continued.

Francis A. Muncy Guardian

or

John H. & Wm. M. Cumberland

Wm. McDonald Guardian

or

Francis A. Muncy Guardian.

Decree No. 5

March Term 1883.
Entered on page 424
J. G. Hyatt Co

Entered this

J. A. K.

Mar. 26/85

F. A. Munsey Guardian & Peff }
 vs. } In Chancery
 John H. & Wm. M. Bunker & Co Defts
 Wm. M. Donald Guardian & Peff }
 vs. } On a Petition
 F. A. Munsey Guardian & Deft

These causes came on further to be heard together
 on the papers formerly read therein and the report of
 Court St. J. Morgan filed Sep 15 1885 showing the execution
 of a deed by him to G. H. Kincaid the purchaser of the
 land in the first cause mentioned, and was argued by
 counsel, and said report being unaccepted to. On consider-
 ation thereof it is adjudged ordered & decreed that said
 report and deed thereunto be confirmed and the clerk
 of this, will deliver to the clerk of the county Court said deed.

And F. A. Munsey the same guardian will collect from
 said G. H. Kincaid the purchaser of the land in the first cause
 the two installments of the purchase money of \$200. each
 falling due Jan 1-1886 and Jan 1-1887. with interest from
 Nov 10 1883. and when he shall receive the same from
 said Kincaid he will pay deliver and transmit the
 same to Wm. M. Donald the foreign guardian for John
 H. & Wm. M. Bunker. taking his receipt for the same, and
 said Munsey will from time to time report his action
 to the Court under this decree, the cause is continued.

F. A. Munsey Guard &c.

or

John H. & W. M. Gumbert

Wm. Mc Donald Guard &c.

or

F. A. Munsey Guard &c.

Decr 10. 4.

ordering a transfer of the
last two installments of purchase
Money

Entered Page 470

J. R. Gibson D.C.

Enter this.

J. A. K.
Mar. 25th / 86

F. A. Munnay Guard & Co.	Pff	} In Chy
vs.		
John H. & Wm. M. Lumbard	Defts	} On a Petition
William McDonald Guard & Co.	Pff	
vs.		
Francis A. Munnay Guard & Co.	Deft	

These causes came on further to be heard together on this day on the papers heretofore read therein, and the report of F. A. Munnay dated May 1st & filed in the cause May 5th 1885 showing the collection and paying out of the first installment of the purchase money with the accruing interest thereon, and was argued by counsel, and said report being unaccepted to. On consideration of all which it is adjudged ordered & decreed that the same be confirmed and approved, and pursuant to the said report Henry J. Morgan is appointed a Special Commissioner who is directed to convey with covenants of Special warranty to Charles H. Kincaid the 58 acre tract of land in said first cause mentioned according to the limits & bounds set out in exhibit (A) in said first cause & he will report his action to the court & until the coming in thereof the cause is continued;

F. A. Munnay Guard &c

no } Decm 1883

John H & W M Cumbo &c

Entered Page 456

J. A. G. Bryant &c

Enter this

Augt 26/85

J. A. K

capt

F. A. Munsey Grand &c.	Paff	} In Chy
vs.		
Jas. H. & Mr. M. Lumbos & al.	Defts.	

This cause came on further to be heard on this day on the papers heretofore read in the cause, and the report of the plaintiff dated Augt. 8. Filed in the cause Augt 15 1884 showing that he had taken the bond of Est. Kincaid with security for the purchase price of the land in the bill and proceedings mentioned and was argued by counsel. And the said report being accepted to. On consideration thereof it is adjudged ordered and decreed that said report be and the same is confirmed and no other action being now necessary the cause is continued to await the coming in of said purchase money.

F. A. Muncy Auditor.

ad. { Decm N^o 2

John H. W. Cunniff & al

Entered page 391

J. Abbott & Co.

Entered this

J. A. K.

Augt 27/84

Francis A. Munnay Guard & Peff

vs.

John H. & Wm. M. Burns & al Defts

In Chancery.

This cause came on this day to be heard on the bill of the Peff. and exhibit therewith the answer of the two infant Defts - John H. & Wm. M. Burns. by their guardian ad litem John M. Morgan, and their joint personal answer, the answer of Wm. McDonald, the answer of Charles Kincaid, the joint answer of George W. McDonald Sarah A. McDonald. Thomas L. Burns & wife, and the deposition of witnesses, and was argued by counsel. On consideration of all which it appears to the court that the sale of the infants land referred to in the bill will be beneficial to said infants and their interest promoted thereby. It is therefore adjudged ordered and decreed that the sale of said infants lands made by Wm. McDonald to Charles Kincaid at the price of \$900.00 with legal interest thereon from the 10th day of Nov. 1883 till paid, ^{be and the same is hereby ratified approved & confirmed.} And that said Kincaid take and hold said land upon the payment of said sum of money with ^{interest} as aforesaid, and he is required to execute bonds with good security for the purchase price of said land pursuant to the terms of his purchase, and said bonds will be made payable to the plaintiff as the guardian of said infants. And the said plaintiff before collecting or receiving any part of the said purchase money is required to execute bond with good security before the clerk of this court in the penalty of \$1600.00 with caution to account

Francis A Munnay Grand

vs. { Deane No 1.

John H & W M Cumberland

Entered page 375-6
J. A. Hyatt
Leek

Enter this
March 27/84.

J. A. K.

for all Munnay which he Munnay receive by virtue of the
deane and to hold the same subject to the future order
of the court and the cause is continued

Francis A. Murrey Guardian. ^{Plff} In Chy in
vs. ^{Def} Circuit Court
John H. & Wm. M. Burns vs. Dotts Lee County.

Mr John M. Morgan guardian ad litem for said
John H. & Wm. M. Burns. You will take notice that at
the Store House of Thomas L. Burns in said county, on
the 1 day of Feb 1884. I will proceed to take the
deposition of Geo. Woodyard and ^{Alg Sadford} Eli Durnly and
which are intended to be read as evidence in my behalf
upon a hearing of the above styled cause and during
the examination of said witnesses the following interro-
gatories will be propounded to them.

- 1 Are you acquainted with the 58 acre tract of land
conveyed by Wm. McDonald to John H. & Wm. M. Burns if
so, then state whether or not \$900.00 is a full and fair
price for the same with a clear and perfect title?
- 2 Supposing William McDonald to be entitled to the posses-
sion and use and Occupation of said land during his
life, and at his death to belong to John H. & Wm. M. Burns.
would a sale thereof at \$900. promote the interest of said
John H. & Wm. M. Burns, if said sum of money should
be divided according to law between the life tenant, and
reversioners or remainder Man? or would such sale
be prejudicial to the latter?

- 3 If said John H. & Wm. M. Burns share of said \$900.00 sold at an early day, he judiciously invested in real estate in the west. would such a change of property in your Opinion be to their interest or to their prejudice?
- 4 Would it best subserve the interest of said John H. & Wm. M. Burns to ratify and approve the sale made to Kincaid at \$900. or would it be best for them, that said land should be put up for sale to the highest bidder on a reasonable credit?
- 5 When Thos. L. Burns viz. Wm. and Sarah McDonald shall have left the state. will not all the immediate family of which John H. & Wm. M. Burns form a part have left the state and gone west?

Francis A. Munay guardian.

I as guardian ad litem for John H. & Wm. M. Burns accept service of the foregoing notice and agree that the answer of said witnesses be taken at the place and time stated on the foregoing interrogatories.

John M. Mayan
Guard ad Litem.

Francis A. Muncy Guardian & Eff.

vs.

John H. & Mrs. M. Burns & others Defts.

In Chancery

The deposition of Geo Woodyard and Eli Drinnaly
Ally Sedgwick taken at the store house of Thomas L. Burns in
Lee County pursuant to notice and on interrogatories hereto-
fore returned, on the 1 day of Feb 1884. which
are intended to be read as evidence on the part
of the plaintiff in the above styled suit now pend-
ing in the circuit court of Lee County Virginia.

The said Geo Woodyard a witness of lawful
age being first duly sworn deposes as follows

1 In answer to the first question the witness says

I am acquainted with the tract of land
mentioned in the question, and my judgment
is, that \$900 is a full and fair price for the same,
without any cloud on the title, or encumbrance thereon.

2 In Response to the second question the witness says
that the interest of John H & Mrs M Burns
would be promoted at \$900 provided
said money is invested in the west in lands

3 in Response to the 3rd Question the witness Eli
Quinnely says as also does Aley Seelford
that the price paid \$900 is a full
and fair price for the deed & 8 Acres tract
of Land and that in our Opinion that
a change of property would be to the
Interest of John H & W^m M. Cumboro

4 we George Woodyard Eli Quinnely and
Aley Seelford say upon our oaths
say that the Sale of the ^{Acres} 8 Tract of Land
made by W^m M^cDonald for \$900 would
be to the interest of John H & W^m M. Cumboro
if Ratified by the Court - and it would

5 just for this Court - ought Ratify it.

5 The Said George Woodyard Eli
Quinnely & Aley Seelford further say
that When Thos Cumboro & wife W^m
& Sarah M^cDonald shall have Left this
State all ^{with} ^{John H & W^m M. Cumboro} ^{whom} ^{they} from ^{the} ^{of the}
furnishes will have been Left.

further these Deponents testify that -

George Woodyard
Eli Quinnely
Aley Seelford

Sworn and ~~Subscribed~~ To before me this the
1st day of Feb 1884

W.R. Wood J.P.

Francis A. Muncy Guardian

vs. } Defs.

John H. & Wm. M. Cummins

Filed at Feby Rules 1884.

J. A. Hyatt CLK

Francis A. Mearney Guardian & Off

vs.

John H. & Wm. M. Cumbo & others

Deftos

In Chy.

To the Hon John A. Kelly Judge of the Circuit Court
of Lee County Virginia:

As directed by a decree entered in this cause on the
27th day of March 1884 I proceeded on the 8th day of Augt 1884
to take the bond of Charles H. Kincaid the purchaser of the
land in the bill mentioned for the sum of \$700.00 the purchase price
of said land, and I caused to be filed the same marked (A.) The said
Charles H. Kincaid, gave as security therein his brother B. F. Kincaid
who I regard as perfectly good for that sum and much more.

Five hundred dollars of said bond is payable January 1st
1885. Two hundred Jan 1-1886 and Two hundred Jan 1-1887, all with
interest from Nov. 10-1883. which is in accordance with the
contract made between Wm. McDonald & Chas. H. Kincaid and
which was approved & confirmed by said decree of March 27-1884.

All which is respectfully submitted.

F. A. Mearney

Augt 8-1884.

F. A. Murray Secy &c.

vs. } Const. Report. No 1.

John H. W. McCumb & al

Filed Augt. 15 1884.

J. A. Syatt
Clerk

Confirmed by clerk Aug 27/84

F. A. Munsey Guard & Poff }
 vs. } In Chy
 John H & Wm M. Cumbo vs Defto }
 Wm. M. Donald Guard & Poff }
 vs. } On A. Petition
 Francis A Munsey Guard & Defto }

To the Hon John A. Kelly Judge of the Circuit Court of Lee County Va.

Since the rendition of your decree in these causes on the 26th day of March 1885. Charles Kincaid the purchaser of the infant defendants land mentioned in, and sold in the first of said causes on the 1st day of April 1885 paid me the sum of \$541.67 which is the amount of the first installment of purchase money of \$500.00 due Jan 1-1885 with int from Nov. 10 1883 calculated down to April 1-1885

Out of the sum so received by me I have paid H. J. Morgan an attorneys fee of \$20.00 in the first cause, John M. Morgan a Guardian ad litem fee of \$5.00 of John A. G. Hyatt a clerks fee of \$7.70 and I then transmitted to Wm. M. Donald the former guardian for John H. & Wm. M. Cumbo. the sum of \$508.97 receipts for all which are herewith filed & marked as in the margin

My account of this matter stands as shown in the following table.

1885 April 1st	Cash Received of Ch. Kincaid	\$541.67.
1	By amt paid H. J. Morgan attorney fee	20.00
2	" " " J M. Morgan Guard ad litem fee	5.00
3	" " " John A. G. Hyatt clerks fee	7.70
4	" " Transmitted to Wm. M. Donald F. Guardian	508.97 \$ 541.67

Thus it is seen that I have fully accounted for this

first installment of the purchase money: Moreover said
Kincaid has now paid more than half the purchase money
I see no reason why a deed of conveyance for the land
should not be made to him reserving the vendors lien
for the unpaid purchase money. May 1-1885

Respectfully Submitted.

F. A. Munnery Home Guardian

F. A. Munnery Guardian

10. { Report No. 2

John H. & H. M. Cumbston

Filed May 5th 1885

De P. G. Hyatt & Co

Confirmed by decree Aug 26th 1885

1884

Feb.

F. A. Muney Guardian for John H & W M. Bums.

To Henry J. Morgan atto at law D

To filing Bill in Chancery for you as your wards & heirs
for sale of their lands, preparing answers for them.

M^r. Donald, Elias Kinsaid, J H & W M Bums. & George

W. M^r. Donald & others & their services in said suit \$20.00

Received of Francis A. Muney guardian for John
H. & W. M. Bums. Twenty dollars in full of the above
fee in the above named cause April 1 - 1885

Henry J. Morgan atto.

Received of Francis A. Muney guardian for John H. & W.
M Bums. five dollars my fee in the above named suit
as guardian ad litem for said John H. & W. M. Bums.

John M. Morgan Guardian

By H. J. Morgan

April 1 - 1885

Received of Francis A. Muney guardian for John H & W. M.
Bums Seven dollars & 70 cents my fee in the above
styled cause as clerk of the circuit court of Sub County W.
including Tax 1.50.

J. A. S. Hyatt Clerk

April 1st 1885

F. A. Muncy Guard +

Att. Clerk + G. A. L.

17. } receipts \$32.70

John H + W M Lumb.

1.283,

Received of Francis A. Munney Guardian for John H. & Wm. M.
in Lee County Va.
Cumbo, the sum of five hundred and Eight dollars &
97 cts part of the fund in his hands growing out of the sale
of their land in Lee County Virginia sold in the chancery
cause of said Munney guardian & vs. said John H. & Wm. M. Cumbo
others. this 10th day of April 1885

Wm. M. Donald Guardian for
John H. & Wm. M. Cumbo, in Marshall
County State of Kansas.

Wm. McDonald Esq

In Kansas - J. H. W. B.

To { Receipt \$50.897
}

F. A. Mancy Esq.

No 4

F. A. Munnery Guard &c.	Plff.	} In Chg
vs.		
J. H. M. M. Lumsden & al	Defts	
vs.		
Wm. M. Donald Guard &c.	Plff.	} On a Petition
vs.		
F. A. Munnery Guard &c.	Defts	

Pursuant to your decree entered in these causes on the 26th day of Augt 1885 I have executed and acknowledged for record a deed conveying to B. H. Kincaid the 58 acre tract of land in the first cause mentioned according to the Metes and Bounds set out in exhibit A. with said bill with covenants of special warranty and assuring therein the Vendor him for the unpaid purchase money and said deed is herewith filed marked (A.B.)

The second installment of the purchase money of \$200.00 with interest from Nov. 10 1885. will become payable Jan 1/86 and the residue with interest from same time, Jan 1-1887.

Respectfully Submitted:

Henry J. Morgan Cant.

F. A. Munsey Guard &c.

as } Cont. Report No 3 of audit.

John H. St. M. Cumber

Filed Sep the 15/1885

J. A. Hyatt &c

Confirmed by Board of
March 26th 1886

Francis A. Muncy Guard & Poff

vs.

John H. & Wm. Cumberow & al Defts

William M. Donald Guard & Poff

vs.

Francis A. Muncy Guard & Defts

} In Lohy

} as a Petitioner

To the Hon H. R. Merison Judge of the circuit
Court of Lee County Virginia:

Since filing my report in these causes May 5 1885
showing the collection and disbursement of the \$541.67
therein referred to. I have collected from C. H. Kincaid
the purchaser of the land in the bill mentioned the
last two installments of the purchase price of
two hundred dollars each with the accruing
interest thereon, and after paying the accruing
costs and expenses, the residue thereof, I have
paid to Wm. M. Donald foreign guardian for John
H & Wm. M. Cumberow all which is shown in the following
Tabular Statement:

Second note payable Jan. 1st 1886. 200.00

Interest thereon to that date 24.00

Third & last note payable Jan'y 1 1887. 200.00

Interest thereon to that date 38.00

462.00

- 1 By this sum paid Wm. M. Donald foreign guardian \$200.00
- 2 " " " " " " 16.00
- 3 " " " " " " Geo. R. Gibson clerk Co. Ct. 1.00
- 4 " " " " " " Alex. Goms painter 5.00
- 5 " " " " " " John A. B. Hyatt clerk Co. Ct 3.25
- 6 " " " " " " H. J. Ferguson atty. 5.00
7. " " " " " " Wm. M. Donald foreign Guard, 231.75 of 462.00

It is thus seen that all the purchase money
has been paid, and that it has all been paid out,
and receipts for all these disbursements are herewith
filed marked as in the margin from 1 to 7 inclusive
all which is respectfully submitted

F. A. Murray Treasurer
for John H. W. M. Cumber.

F. A. Murray Treasurer

no. { Report No 4 Dec.

J. H. W. M. Cumber.

Filed Feb. 17-1887

Confirmed March 1887

((BEST ADVERTISING MEDIUM IN SOUTHWEST VIRGINIA--RATES FURNISHED ON APPLICATION.))

Lee County Sun,

A. M. GOINS & CO., Pro'rs.

JONESVILLE, - - - VIRGINIA.

One Dollar a Year, in Advance.

JOB WORK

OF ALL KINDS EXECUTED NEATLY AND ON SHORT NOTICE.

TERMS CASH.

Mr. F. A. Munnay

To LEE COUNTY SUN, Dr.

1885

Feb

20

To printing Chancery order
in case of F. A. Munnay, Quer.
+ Plff. vs. Jno H + Wm M. Lumbow
et al and the reverse
March 1st 1886.

\$5.00

A. J. M.

Francis A Muncy

To { \$500

Lucy Co Sum

Recd. amt. of
within acct.
Jan. 20, 1887
A. M. Loines

Received of F. A. Mummy Guardian for John H. & Wm. M. Bonds
in Sec 60 or. the sum of two hundred dollars part of
the money due said Woods from G. H. Kincaid

William McDonald Guardian

for John H. & Wm. Bonds. in
Washington County Kansas

By
W. M. McDonald

Send to Beach Spring
Sec 60
or

No. 1.

Greenleaf Kans Feb 8th 1886

Received of F. A. Munery Gardan
for L. H. & W. M. Cumbow Sixteen
Dollars to be placed to their credit
by me William McDonald Gardian

W. M. McDonald

No. 2

1884. L. A. Muncy Guard for J. H. Cumbow. et al Dr
Jany 22 Cont Order appointing you bond oath &c \$1.00
John R. Gibson clk.

J. A. Muncy
Guard

1.00

No 3

Francis A. Munney Guard & Co. } In lch
 vs. John H. + Wm M. Cumbo & Co.
 Wm. M. Donald Guard & Poff. } On a Petition
 vs. Francis A. Munney Guard & Co. Defts

Recd. of F. A. Munney Guard & Co. five dollars the
 fee due me for publishing notice in the second
 styled cause Jan 20 1887.
 A. M. Goines

\$3.25 Recd of said Munney Guard & Co. Three - - dollars +
 Seventy five cents the fee due me as clerk in said two causes
 Since April 1885 this Jan 20 1887.
 J. A. S. Hyatt & Co.

Recd of said Munney Guard five dollars attorney
 fee for filing the above petition & other services in
 the same Jan 20 1887.
 H. J. Morgan

Received of F. A. Munney Guardian for John H. +
 Wm M. Cumbo in San County Co. Two hundred
 + thirty one dollars + 75 the balance in his hand
 due said wards for the sale of their land in San Co
 William ^{his} McDonald Guardian
 mark
 for John H. + Wm M. Cumbo. in
 Washington County Kansas.
 Jan 20 1887

No. 4. 5. 6. & 7.

This Deed made this 12th day of December in the year 1879

Between William McDonald of the one part and John H
and William Mcumbow of the other part all of the
County of Lee and State of Virginia

Witnesseth that the said William McDonald that for and
in consideration of Natural love and affection for the said
John H and William Mcumbow and for the further con-
sideration of one dollar to him in hand paid
the receipt whereof is hereby acknowledged that bargain
and sold and by these presents doth bargain sell and
convey unto the said John H and William Mcumbow
a certain tract or parcel of land lying and being in the
County and State aforesaid supposed to contain 58
acres more or less and bounded as follows viz.

Beginning at a rock on J. L. Cumbow's line and running
thence with his line N $3\frac{3}{4}$ W 62 poles to a bunch of Elm sprouts
thence N $7\frac{1}{2}$ W 50 poles to a rock thence N $78\frac{1}{2}$ E $2\frac{1}{2}$ poles to a rock
at a branch thence N $13\frac{1}{2}$ W $37\frac{1}{2}$ poles to a Sugar tree thence N $52\frac{1}{2}$
poles to a low gap on top of the Poor Valley Ridge thence
Eastwardly along the top of said Ridge to two Chestnut oaks
on line of the Sims land and with said line S $6\frac{1}{2}$ E about
173 poles to a rock corner to Sarah A McDonald's land
and with a line thence of Westwardly about 36 poles to the
beginning to have and to hold the said tract or parcel of
land and the said William McDonald doth covenant with
the said John H and William Mcumbow to warrant the land
above described with its appurtenances free from the claim of
himself his heirs &c and all persons whomsoever But it is to be
distinctly understood that if either of the grantors should die
before he is 21 years old the other grantor is to have his half of
the said land but if both die under age it is to fall my heirs in
equal proportions.

it is also to be distinctly understood that I reserve possession
and control during my lifetime of the above described land
for my special benefit. Witness the above signature and
seal

Wm McDonald Seal

Virginia Lee County to wit

I N M Scott a Justice of the peace for the County Lee
and State Virginia do hereby certify that William McDonald
whose name is signed to the writing above bearing date
The 12th day of December 1879 personally appeared before
in my County and acknowledged the said writing to be
his act and deed. Given under my hand this 22nd day of
December 1879 N M Scott J.P.

Virginia Lee county court clerks office Feby. 22^d 1881
The foregoing and bearing date on the 12th day of Decr
1879, from William McDonald to John A. & William
M. Lumbow, all of Lee County Virginia, was this
day admitted to record upon the certificate of
N. M. Scott a Justice of the Peace for Lee County
Virginia.

Teste John C. Orr. D.C.

A. B. McCallum
by William O. McDonald Secy

John H. & Wm M. Cumbo.

From } Deed

Wm McDonald

Recorded in Deed
Book No 19 Page 268

John C. Cumbo

(A)

George W.
Sachs-

Jane Cumbo. wife of
Thos L. Cumbo.

61.25

1.00

2.25 Paid

Feb 22nd 1881.

STATE OF KANSAS, }
MARSHALL COUNTY. } ss.

I, J. Brown Probate Judge and ex-officio Clerk of the Probate Court in
and for the County and State aforesaid, hereby certify the foregoing to be a true copy of

Letters and Bond of William
McDonald

in the matter of the John H. Cumbow &
William M. Cumbow Minors

as appears of record and now on file in this Court.

Witness my hand and official seal this 27 day of September 1888

J. Brown
Probate Judge.

IN PROBATE COURT

The State of Kansas,

COUNTY OF

Marshall

In the matter of the Guardianship of

SS.

John H. Cornbow
William M. Cornbowminor's child ren, and heirs at law
of

To all to Whom these Presents shall come,—Greeting:

Know Ye, That whereas

John H. Cornbow &
William M. Cornbow
ha.....property rights and credits in said County and elsewhere, that may be lost, destroyed or dimin-
ished in value, if speedy and proper care be not taken of the same: To the end, therefore, that the
estate, rights and property and the person of said minor be properly cared for and protected, I.....J. Brown Probate Judge, in and for the aforesaid County, do here-
by constitute and appoint William M. Danahy of said
County, Guardian of the person, estate and property of whatsoever kind that may appertain or belong
to said minor....., with full power and authority to collect and dispose of any or all there
estate, property, rights and credits according to law, and in general, to do and perform all other acts
and things which are, or hereafter may be, required of William M. Danahy by law, or
the decree of any Court having jurisdiction.

In Testimony Whereof, I,

J. Brown
Judge of the Probate Court in and for said County, do set
my hand and affix the seal of said Court, this 27
day of September A. D. 1884

J. Brown Probate Judge.

GUARDIAN'S LETTERS.

Probate Court.

188.....

Know all Men by These Presents,

That we, William McDonald as
 principal, and J. L. Cumbow and A. Cumbow
J. M. Cumbow as sureties, are held and firmly bound unto the State
 of Kansas, in the sum of Two Thousand DOLLARS,
 to the payment of which sum, well and truly to be made, we bind ourselves, our heirs, executors, admin-
 istrators, and assigns, firmly by these presents, sealed with our seals, and dated this 27 day
 of September A. D. 1887

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas, the said
William McDonald has been by Probate Court of
Marshall County, Kansas, duly appointed guardian of the person and estate of
John H. Cumbow & William M. Cumbow minor
 Now, if said William McDonald shall faithfully discharge the
 duties of such guardian according to law, then this obligation to be null and void, else of full force
 and effect.

LSB

Wm McDonald (SEAL.)
J. L. Cumbow (SEAL.)
A. Cumbow (SEAL.)
J. M. Cumbow (SEAL.)
 (SEAL.)

The above bond taken and approved by me this 27 day of September
 A. D. 1887 Brown Probate Judge.

OATH.

STATE OF KANSAS, Marshall County, ss.

I, William McDonald do solemnly swear that I will
 faithfully and to the best of my ability, discharge the duties of guardian of the person and estate
 of John H. Cumbow & William M. Cumbow
Cumbow minor according to law. So help me God.

Wm McDonald (SEAL.)
 Subscribed in my presence and sworn to before me, this 27 day of September
 A. D. 1887 Brown Probate Judge.

VERIFICATION OF SURETIES.

State of Kansas, Marshall County, ss.

J. L. Cumbow and A. Cumbow
 being duly sworn, say that they, and each of them
 are worth over and above all liabilities and legal exemptions, the sum of \$ 1000

LSB

J. L. Cumbow
A. Cumbow

SUBSCRIBED AND SWORN TO Before me, this 27 day of September A. D. 1887
Brown Probate Judge.

➤ GUARDIAN'S BOND. ➤

PROBATE COURT.

Filed 188

.....
Probate Judge.
.....

(AB)

Know all men by these presents that we
F. A. Muncy and H. J. Morgan are held and
firmly bound unto the commonwealth of
Virginia in the sum of sixteen hundred
dollars, for the true payment thereof, we
bind ourselves jointly and severally, fir-
mly by these presents, and we waive the
benefit of our homestead exemptions
as to this bond. Given under our hands
and seals this the 1st day of January 1883.

The condition of the above bond is such
that by a decree of the circuit court of Lee
County, entered March the 27th 1884, in the
chancery cause of Francis A. Muncy Guardian
ad litem, against John H. & Mrs. M. Lambow
& others pending in said Court the said
Muncy before collecting any money in
that cause was ordered to execute bond
before the clerk of said court in the
sum of \$160000 with good security.
Now if the said Francis A. Muncy
shall well and faithfully account for
and pay all money which may come
into his hands by virtue of the proceed-
ings had in said cause to the proper
parties or such persons as the court shall
direct, then this bond to be void other-
wise to remain in full force & virtue

Teste John R. Gibson D. Clerk.

F. A. Muncy Seal
Henry J. Morgan Seal

H. A. Muncy Guard &c
vs 3 Bond \$160000
Commonwealth

Filed Jan 2 1885-
J. A. G. Hyatt C

Publisher's Certificate.

JONESVILLE, VA., Oct 31st, 1884.
I, A. M. Esquiv, Publisher of the LEE COUNTY SUN,
a weekly newspaper published at Jonesville, Lee County, Virginia, do certify that the annexed
Chancery Order was published four successive weeks in said newspaper, publication ending
Oct 31st, 1884.

A. M. Esquiv, Publisher.

IN CHANCERY.

Francis A. Muncy, Guardian &c., Plff, vs
John H. and Wm. M. Cumbo and oth-
ers. Defts.

ON A PETITION.

William McDonald, Guard. &c., Plff, vs
Francis A. Muncy Guard., &c, Deft.

To all whom it may concern: Notice is
hereby given that the undersigned, as for-
eign guardian for John H & Wm.-M. Cum-
bo, will make application to the Judge of
the Circuit Court of Lee county, at the No-
vember term, 1884, to enter a decree in
the above styled two causes, directing a
transfer of the funds from the hands of the
plaintiff in the first styled suit, to the hands
of the plaintiff in the second styled cause.

WM M. McDONALD,

Foreign Guard'n for John H. and

Wm M. Cumbo.

By H. J. MORGAN, Atty.

October 5th, 1882.

Pub. Fee \$ 5.00

Wm M^cDonald Guard

no } notice

F. A. Muncy Guard